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3 LOUISIANA USED MOTOR VEHICLE COMMISSION
4 STATE OF LOUISIANA
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9 REGULAR MEETING
10 JUNE 16, 2014
11 BEGINNING AT 9:30 A.M.
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15
16 3132 VALLEY CREEK DRIVE
17 BATON ROUGE, LOUISIANA 70808
18
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21 REPORTED BY: Sara Piazza, CCR
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1 APPEARANCES :

2 CHAIRMAN :

3 MR. JOHN POTEET

4
5 COMMISSIONERS PRESENT :

6 MR. GEORGE BREWER

7 MR. HENRY "DARTY" SMITH

8 MR. DINO TAYLOR

9 MR. GEORGE FLOYD

10 MR. TONY CORMIER

11 MR. KIRBY ROY

12
13 REPRESENTING THE LOUISIANA USED MOTOR VEHICLE
14 COMMISSION :

15 ROBERT W. HALLACK, ESQUIRE
16 HALLACK LAW OFFICE
17 13007 JUSTICE AVENUE
18 BATON ROUGE, LOUISIANA 70816

19 SHERI MORRIS, ESQUIRE
20 ROEDEL, PARSONS, KOCH, BLACHE, BALHOFF &
21 MCCOLLISTER
22 8440 JEFFERSON HIGHWAY, SUITE 301
23 BATON ROUGE, LOUISIANA 70809
24
25

1 ALSO PRESENT:

2
3 MS. KIM BARON

4 MR. DEREK PARNELL

5 MS. MONA ANDERSON

6 MR. NESTER GUILLORY

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1 (Pledge of Allegiance.)

2 MR. POTEET:

3 Roll call, please.

4 MS. BARON:

5 John Poteet?

6 MR. POTEET:

7 Here.

8 MS. BARON:

9 George Brewer?

10 MR. BREWER:

11 Here.

12 MS. BARON:

13 Dino Taylor?

14 MS. MORRIS:

15 Here.

16 MS. BARON:

17 Tony Cormier?

18 (No Response.)

19 MS. BARON:

20 Ron Duplessis?

21 MR. DUPLESSIS:

22 (No response.)

23 MS. BARON:

24 George Floyd?

25 MR. PARNELL:

1 Here.

2 MS. BARON:

3 Kirby Roy?

4 MR. PARNELL:

5 Here.

6 MS. BARON:

7 And Darty Smith?

8 MR. SMITH:

9 Here.

10 MS. BARON:

11 Mr. Chairman, we have a quorum.

12 MR. POTEET:

13 Very good. Derek, do we have
14 anyone here for public comments?

15 MR. PARNELL:

16 No, sir.

17 MR. POTEET:

18 All right. Items for discussion,
19 the first thing is the approval of
20 minutes from the previous meeting. I
21 hope everyone's had a chance to read
22 those. Motion?

23 MR. SMITH:

24 I'll make a motion.

25 MR. POTEET:

1 Mr. Smith. Second?

2 MR. BREWER:

3 Second.

4 MR. POTEET:

5 George. All in favor, say "Aye."

6 (All "Aye" responses.)

7 MR. POTEET:

8 The motion is approved.

9 Financial matters.

10 MS. ANDERSON:

11 If you'll turn in your packets to
12 your financial statements for the
13 month of May. Under the Statement of
14 Net Position, our cash in the bank at
15 the end of May was \$1,507,754. The
16 accounts receivable fines were
17 decreased to \$40,350.

18 Down at the bottom of the page,
19 the liabilities, the total liabilities
20 were \$39,323 and of that, the claim
21 against bonds payable was decreased by
22 \$10,900 paid out, leaving a balance of
23 \$560. The remainder of the payables
24 were benefits from the May 30th pay
25 date.

1 On page 2, the deferred inflows
2 were \$264,450, which is about normal
3 for this time of year.

4 On page 3, the statement of
5 revenues, expenses and changes in net
6 position, in the middle of the page,
7 the total revenue for year-to-date was
8 \$1,130,384, which is about a \$16,000
9 increase from last year's revenues.

10 In the month-to-date column, you
11 can say we reversed the sign and drive
12 fine of \$18,000.

13 Under the expenses section under
14 the statement, salaries and related
15 expenses for May were approximately
16 the same as they were in May of last
17 year. The year-to-date figures
18 increased by 61,000.

19 (Mr. Cormier entered the room.)

20 MS. ANDERSON:

21 The remainder of the expenses
22 decreased by \$3,000. And if you'll
23 note the year-to-date figures in the
24 other maintenance -- maintenance
25 other -- line item, you did some

1 building and maintenance repairs
2 there.

3 On page 5, the month, the net
4 change in position for the month was a
5 loss of \$66,873 and year-to-date was a
6 gain a \$218,739.

7 On page 6, you can see the
8 month-to-month of the revenues,
9 expenses and net position with total
10 revenues increasing 16,000 and
11 expenditures increasing 58,000.

12 And on page 7 is the graph of
13 that chart as we head toward the end
14 of our fiscal year.

15 On page 8 there is a comparison
16 of the fee revenue for this fiscal
17 year compared to last fiscal year.
18 And you can see our UD license fees
19 and the auction transaction fees have
20 the most significant increases there.

21 Page 9 is the certificate of
22 deposit summary, which has no changes
23 this month.

24 And on page 10 is the fine
25 accounts receivable. We didn't assess

1 any fines in May and we collected
2 \$7,250, for a total of \$40,350 in that
3 line item.

4 Down at the bottom you can see we
5 referred Value Imports to the Attorney
6 General's office for collection this
7 month.

8 Unless there are any questions
9 then that concludes the financial
10 statement report.

11 MR. POTEET:

12 Anyone have any questions? I
13 guess we should go ahead and approve
14 the financial report. I make a motion
15 to approve the financial statement.

16 MR. SMITH:

17 Second.

18 MR. POTEET:

19 Mr. Smith, second. All in favor,
20 say "Aye."

21 (All "Aye" responses.)

22 MR. POTEET:

23 Any opposed? The motion passes.
24 The next thing we have on the agenda
25 is the fiscal year end budget

1 amendments.

2 MS. ANDERSON:

3 We did amend the budget last
4 month. We had a couple of other
5 items, which you'll see on the next
6 page of your packet. We're amending
7 the auction, the fees, the fee
8 revenues, increasing the auction
9 transaction fees for some fees we've
10 received that we hadn't anticipated.
11 And we're not -- we are going to
12 increase the fines but not as much as
13 what we had said last month due to the
14 change on that sign and drive case.

15 And then under expenses, we did
16 need to increase the field travel
17 expenses somewhat and we decreased our
18 maintenance, other. It wasn't quite
19 as much as we anticipated during this
20 fiscal year.

21 MR. POTEET:

22 Okay. So we need a motion to
23 accept this resolution.

24 MR. ROY:

25 I'll move.

1 MR. POTEET:

2 Second?

3 MR. CORMIER:

4 Second.

5 MR. POTEET:

6 Second, Tony. All on favor, say,
7 "Aye."

8 (All "Aye" responses.)

9 MR. POTEET:

10 Any opposed? I need to sign
11 that. Thank you, Mona.

12 Next we move on to the executive
13 report. Derek?

14 MR. PARNELL:

15 All right. The first item on the
16 report is Review of Complaint Totals
17 and Compliance Investigation.
18 Activity report is for May of 2014.
19 Investigators continue to work hard at
20 trying to satisfy consumer complaints
21 and making sure our licenses are in
22 compliance with the Commission's laws
23 and statutes.

24 You can find in your packet, we
25 do have some documents in there that

1 show some reports. The first item is
2 the alleged issue accounts, which
3 illustrate 129 alleged issues for
4 month of May.

5 The next report is the case
6 report, which illustrates that there
7 are 83 cases assigned to our field
8 investigators in the month of May.

9 The third report is the
10 department summary report that
11 illustrates that there are 49 cases
12 that have been closed in the month of
13 May.

14 Some other actions that our
15 compliance investigators have been
16 working on. There were -- out of all
17 of them, there were site visits
18 conducted. There were 60 site visits
19 conducted, hand delivery, both
20 cease-and-desist orders were
21 performed, they assisted title and
22 registration for consumers. There
23 were 14 of those citations and
24 violations issued. There were 11.
25 There were two compliance meetings and

1 29 inspections. The total refund that
2 they were able to help consumers
3 retrieve back was \$5,600.

4 The next item under general
5 information, I have -- well, I
6 received an e-mail some weeks ago from
7 Barker Dirmann, who is the director of
8 Boards and Commissions, as it relates
9 to our commissioner that we're still
10 waiting on. Session is over now, so
11 possibly we may get some kind of
12 confirmation as relates to receiving
13 some new commissioners, replacement
14 commissioners. I'm going to try to
15 set up another meeting with him.
16 Maybe I can persuade them to go ahead
17 and move forward with that. When I
18 spoke to him last, of the two
19 positions that we have available, one
20 person has applied for it. We don't
21 have anyone as of yet in the greater
22 New Orleans area. And they were
23 hoping that they could commission them
24 both at the same time. But I stated
25 to them, then, that let's go ahead and

1 move forward with the individual that
2 we have already rather than waiting on
3 the second one so we can do it
4 simultaneously.

5 Later last month, I worked with
6 Civil Service quite extensively and we
7 were able to come to some sort of
8 agreement as far as related to a
9 compliance investigator for us in the
10 District 3 area. We have spoken with
11 the individual and he'll go ahead and
12 start with us on Monday, June 23rd.

13 The completes Executive
14 Director's report. Any questions or
15 comments?

16 MR. POTEET:

17 Anyone? So our new investigator
18 will start next Monday?

19 MR. PARNELL:

20 Yes. Well, I can go ahead and
21 introduce him now. This is Nester
22 Guillory. He comes to us with a lot
23 of background as far as law
24 enforcement and I think he's going to
25 be a great asset for us. He's down

1 south in the Lake
2 Charles/Alexandria -- Lafayette
3 area -- excuse me. And I think he's
4 going to be a great asset for us.

5 MR. POTEET:

6 Welcome.

7 MR. PARNELL:

8 I invited him to go ahead and
9 come in today since we had some things
10 on the agenda that deal with his area
11 for him to sit in and listen.

12 MR. POTEET:

13 That's good. Just throw him
14 right in there. I think that's a good
15 way to start. Okay.

16 Committee reports. That's mostly
17 the legislative session and Ron's not
18 here, so Derek, you want to handle
19 that?

20 MR. PARNELL:

21 Okay. Discussions of 2014
22 Session. The first item is Senate
23 Bill 288, which is now Act 127. Its
24 effective date is June 30, 2014 --
25 123, I'm sorry. This bill refers to

1 the sunset law. The bill recreates
2 certain entities transferred to a
3 place within the office of the
4 Governor. It was signed and
5 everything went through pretty smooth
6 with that bill, so we are still an
7 active agency.

8 House Bill 770, which was over a
9 bill that we put forth, is now Act
10 423. Its effective date is August 1st
11 of 2014. This provides relative to
12 everything we were looking at doing
13 for specifically the public retail
14 auction. They had some concerns that
15 was out there. One major issue was
16 our false and misleading advertising
17 we were able to get going through.
18 But there was an amendment to our
19 bill. Senator Martiny kind of dealt
20 with our -- kind of took away some of
21 the ideas and some of the thoughts
22 that we had as it relates depositing
23 down payment disclosure. But last
24 month we kind of discussed that we
25 would try to set up a meeting with him

1 so we can kind of discuss moving
2 forward, how we can get those things
3 added back into the bill. The
4 effective date on that is August 1st
5 of 2014. What we will do is we'll
6 send out an e-mail blast to all of our
7 licensees. We'll also put it on our
8 website so we will have access to give
9 that to all of our licensees to let
10 them know what has happened thus far.

11 House Bill 1089, which is now Act
12 430, this is with respect to the
13 insurance requirements for rental
14 motor vehicle dealers. The original
15 bill allowed the rental dealers to go
16 with an A-plus or B-plus company. But
17 there was a floor amendment. And now
18 it just states that such policy can do
19 with surplus lines insurers. So this
20 will go in effect on August 1st of
21 2014. That was a bill of concern
22 because we didn't know what was going
23 to happen with it but it passed
24 through without really any issues so a
25 lot of our concerns are being seen.

1 There was one more bill that
2 commission counselor -- would you care
3 to kind of talk about that? Was it
4 614, I believe it was? I think it's
5 something that deals with us more on
6 the administrative side.

7 MS. MORRIS:

8 Well, there's a couple other
9 things that I was watching, and one of
10 them was to deal with the scrap metal
11 dealers, and it didn't get a committee
12 hearing so it didn't pass.

13 There's a bill that requires
14 agencies to issue provisional licenses
15 and that is waiting for signatures as
16 well at 1273, and that's going to
17 apply to our agency as well as others
18 that if you have, in your background
19 you have certain crimes, you will be
20 able to get a provisional license
21 before you get an actual license. But
22 I think it's pretty similar to the
23 procedure that we've been using in
24 terms of reviewing the backgrounds.

25 There is also a requirement that

1 public agencies, we always had to post
2 our agenda 24 hours prior to a
3 meeting. Saturday, Sundays and legal
4 holidays don't count, so with you all
5 being a Monday meeting date, your
6 agendas will have to be posted 9:30 on
7 Friday. So you'll just have to make
8 some adjustments to do that, or if
9 there's a holiday.

10 MR. POTEET:

11 You usually have it posted by --

12 MS. BARON:

13 I usually have it by 3 o'clock on
14 Friday.

15 MR. POTEET:

16 That's only five and a half
17 hours.

18 MS. BARON:

19 So we're just going to have to
20 make sure that it's on its final leg
21 by Wednesday.

22 MS. MORRIS:

23 If you have something you need on
24 the agenda, get it in a little sooner.

25 MS. BARON:

1 Quickly. Because I plan on
2 having this posted by Thursday.

3 MR. POTEET:

4 Okay. That's good. By the end
5 of the day Thursday.

6 MS. BARON:

7 Yeah, so there's no question.

8 MR. POTEET:

9 Okay. That's good. All right.
10 Dino, are you happy with that bill on
11 the advertising?

12 MR. TAYLOR:

13 I am. I think -- do you think
14 that we ought to get a copy of that
15 sent over to the New Car Commission?

16 MR. PARNELL:

17 Yes, I will. I'll shoot it out
18 to them today.

19 MS. MORRIS:

20 They're aware of it. They were
21 at the hearing, the committee hearing.

22 MR. POTEET:

23 So in preparation for a year from
24 now, we're going to spend some time
25 discussion with Senator Martiny -- is

1 that who we think we need to clean
2 this up with?

3 MR. PARNELL:

4 Right. Because he was the one
5 that took action to the amendment out
6 there. They kind of changed the
7 structure of the language that we were
8 putting out there so he is the person
9 that we need to speak with.

10 MR. POTEET:

11 Okay. Good.

12 MR. PARNELL:

13 He's the chairman of that
14 committee as well so --

15 MR. POTEET:

16 I would say all in all, it was a
17 successful legislative session for all
18 of us.

19 MR. PARNELL:

20 Yeah. Not many fires we had to
21 put out this time so --

22 MR. POTEET:

23 And I've heard quite of few of
24 the rental dealers have come to me,
25 you know, at the auction and said they

1 were appreciative of what we did and I
2 said, well, we didn't do it. You guys
3 did it.

4 MS. MORRIS:

5 I think all the work that this
6 commission put together and the
7 resolution and taking the testimony,
8 which I know, took a lot of your time
9 to hear and everybody testified, that
10 ultimately helped them get the bill
11 through.

12 MR. POTEET:

13 It's all good. All right. Next
14 thing on our agenda is the
15 ratifications of license and
16 revocations. We've got three of
17 these. Derek?

18 MR. PARNELL:

19 Please find in your packet a
20 chart that illustrates the dealerships
21 that have been revoked. I ask that
22 you ratify this revocation and make it
23 official. These dealers were given
24 ample time. The first two on the list
25 are actually revocations. The third

1 one is a cease-and-desist order. Is
2 there anyone present from Washington
3 Parish Scrap Yard from Franklinton,
4 Louisiana?

5 MS. BARON:

6 I'll check and make sure.

7 MR. PARNELL:

8 Also from Lavish Autoplex?

9 MR. POTEET:

10 We can do those two together and
11 then we'll do the third on separately.

12 MR. PARNELL:

13 Okay.

14 MS. BARON:

15 Nobody is out there.

16 MR. PARNELL:

17 All right. The first one,
18 Washington Parish Scrap Yard is
19 located at 39541 Highway 16,
20 Franklinton, Louisiana 70438. License
21 AD number is 40622. The CS number is
22 1653 and the salesperson number is
23 189768. This license was revoked back
24 to June 3rd of 2014. A five-day
25 notice was issued because of no

1 business phone. Final revocation
2 notice was sent out on May 27th of
3 2014.

4 The second one on the list is
5 Lavish Autoplex. It's located at 1506
6 North Flannery Road, Baton Rouge,
7 Louisiana 70815. Their license UD
8 number is 243928. And their
9 salesperson number is 697581. This
10 person's was revoked back to April 8th
11 of 2014. A five-day notice was issued
12 because of no business phone, no
13 business sign, no surety bond, no
14 licensed salesperson. The final
15 revocation notice was sent out on
16 April 1st of 2014.

17 Commissioners, I ask that you
18 gratify the revocation of all licenses
19 for Washington Parish Scrap Yard and
20 Lavish Autoplex.

21 MS. MORRIS:

22 Need a motion to ratify.

23 MR. SMITH:

24 I'll make a motion.

25 MR. POTEET:

1 Motion by Darty.

2 MR. BREWER:

3 Second.

4 MR. POTEET:

5 Second by George Brewer. All in
6 favor say "Aye."

7 (All "Aye" responses.)

8 MR. POTEET:

9 Any opposed? Okay. Those two
10 are ratified.

11 MR. PARNELL:

12 Commissioners, the third one on
13 the list is a cease-and-desist order.
14 It's for Tri-State Auto Leasing, LLC.
15 Their location number is 881 Ramon
16 Street, Mandeville, Louisiana 70448.
17 Their license UD number is 242691.
18 Salesperson license is 697346. A
19 cease-and-desist order was issued on
20 May 6th of 2014 because there was no
21 valid license and bond cancellation
22 was done on December 31st of 2013.
23 Dealer continues to send incorrect
24 bond requirements for his licensure.
25 Commissioners, I ask that you

1 incorporate into a final commission
2 order the cease-and-desist order as of
3 May 19th of 2014. This dealer will be
4 required to start over as a new dealer
5 and all requirements must be met.
6 Once the dealer submits the correct
7 requirements, we will have the
8 compliance investigator do a full
9 inspection before the license is
10 issued.

11 MR. ROY:

12 I move.

13 MR. POTEET:

14 Kirby. Second?

15 MR. CORMIER:

16 Second.

17 MR. POTEET:

18 Tony, second. All in favor say
19 "Aye."

20 (All "Aye" responses.)

21 MR. POTEET:

22 Any opposed? So we ratify that
23 cease-and-desist order.

24 All right. The next thing on our
25 agenda is a hearing. We have a

1 hearing coming up so I guess we'll
2 need to adjourn this meeting.

3 MR. TAYLOR:

4 I'll make a motion to adjourn.

5 MR. POTEET:

6 Motion to adjourn.

7 MR. BREWER:

8 Second.

9 MR. POTEET:

10 Henry. Not Henry.

11 MR. BREWER:

12 I've been called worse.

13 MR. POTEET:

14 All in favor say "Aye."

15 (All "Aye" responses.)

16 (End of session.)

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R E P O R T E R ' S C E R T I F I C A T E

I, Sara Piazza, a Certified Court Reporter (#29026), for the State of Louisiana, do hereby certify that the foregoing 27 pages were transcribed by me in the above-entitled cause; That the proceedings were reported by me in stenomask reporting method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding;

That the transcript has been prepared in compliance with transcript format guidelines required by the statute or by the rules of the board;

That I have acted in compliance with the prohibition on contractual relationships, as defined by Louisiana Code of Civil Procedure Article 1434 and in rules and advisory opinions of the board;

That I am not related to counsel or to the parties herein, nor am I otherwise interested in the outcome of this matter.

This certification is valid only for a transcript accompanied by my handwritten or digital signature and the image of my State authorized seal on this page.

SIGNED THIS JUNE 23, 2014

SARA PIAZZA, CCR

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